

PS 8  
(Rev. 5/02 WVN)

**UNITED STATES DISTRICT COURT  
for the  
Northern District of West Virginia**

U.S.A. vs. Danielle Ludwig

Docket No.: 3:22MJ89

**Petition for Action on Conditions of Pretrial Release**

COMES NOW AnnaBelle Scolapio, U. S. PROBATION OFFICER, presenting an official report upon the conduct of defendant Danielle Ludwig, who was placed under pretrial release supervision by the Honorable Robert W. Trumble sitting in the Court at Martinsburg, West Virginia, on September 21, 2022, under the following conditions:

See attached Order Setting Conditions of Release

Respectfully presenting petition for action of court for cause as follows:

(If short insert here; if lengthy write on separate sheet and attach.)

<u>Violation Number</u>	<u>Nature of Non-Compliance</u>
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- |    |  |
|----|--|
| 1. | <u>Violation of Condition 1: The defendant must not violate federal, state, or local law while on release.</u> |
|----|--|

On October 21, 2022, the defendant was issued Citation Number 4773 by the Morgantown Police Department for Failure to Yield for Pedestrian in Crosswalk (see attached). The defendant promptly contacted the probation officer from the scene of the alleged incident. According to Morgantown Municipal Court staff, on October 26, 2022, the defendant requested an accident hearing. The case is pending at this time.

**PETITIONING THE COURT**

- ☐ To issue a warrant
- ☐ To issue a summons
- ☒ Neither

U. S. Pretrial Services Officer Recommendation: No action is recommended at this time. Absent the defendant's initial positive drug screen, she has otherwise remained in compliance with the conditions of pretrial release and maintains three employment positions. Any further violations of her release will be reported with an appropriate recommendation for action.

PS8

PS8 Petition for Action on Conditions of Pretrial Release

The term of supervision should be:

- ☐ Revoked
- ☒ No action taken at this time
- ☐ The conditions of supervision should be modified as follows:



Respectfully,



AnnaBelle Scolapio  
U. S. Probation Officer  
Place: Clarksburg, West Virginia  
Date: October 28, 2022

THE COURT ORDERS

- ☒ No action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

ORDER OF COURT

Considered and ordered this 28<sup>th</sup> day  
of October, 20 22 and ordered filed  
and made a part of the records in the above  
case.

  
U. S. District Judge/Magistrate

## UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia

FILED

SEP 21 2022

U.S. DISTRICT COURT-WVND  
MARTINSBURG, WV 25401

United States of America )

v. )

Danielle Ludwig )

Defendant )

Case No. 3:22MJ89

## ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- DNL* (1) The defendant must not violate federal, state, or local law while on release.
- DNL* (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- DNL* (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- DNL* (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

W. Craig Broadwater Federal Building and U.S. Courthouse  
217 West King Street  
Martinsburg, West Virginia 25401

Place

on

Date and Time

- DNL* (5) The defendant must sign an Appearance Bond, if ordered.

## ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of:

Person or organization

Address (only if above is an organization)

City and state

Tel. No.

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed:

Custodian

Date

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**ADDITIONAL CONDITIONS OF RELEASE**

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- DNL (X) (7)** The defendant shall:
- DNL (X) (a)** submit to supervision by and report for supervision to United States Probation,  
telephone number 304-267-0778, no later than AS DIRECTED.
- DNL (X) (b)** continue or actively seek employment.
- ( ) (c)** continue or start an education program.
- DNL (X) (d)** surrender any passport to: Clerk, WVND
- DNL (X) (e)** not obtain a passport or other international travel document.
- DNL (X) (f)** abide by the following restrictions on personal association, residence, or travel: travel restricted to Northern District of West Virginia unless approved in advance by Pretrial Services.
- DNL (X) (g)** avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: anyone who is named in the indictment/information against you unless that person is your spouse, child, parent or sibling.
- ( ) (h)** get medical or psychiatric treatment: \_\_\_\_\_
- ( ) (i)** return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_
- ( ) (j)** maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- DNL (X) (k)** not possess a firearm, destructive device, or other weapon.
- DNL (X) (l)** not consume alcohol.
- DNL (X) (m)** not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- DNL (X) (n)** submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- DNL (X) (o)** participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ( ) (p)** participate in one of the following location restriction programs and comply with its requirements as directed.
- ( ) (i) Curfew.** You are restricted to your residence everyday from \_\_\_\_\_ to \_\_\_\_\_ or as directed by the pretrial services office or supervising officer; or
- ( ) (ii) Home Detention.** You are restricted to your residence at all times except for employment; education; religious services medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
- ( ) (iii) Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
- ( ) (q)** submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- ( )** You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.
- DNL (X) (r)** report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- DNL (X) (s)** not purchase, possess or use any paraphernalia related to any controlled substance.
- DNL (X) (t)** not purchase, possess or consume any organic or synthetic intoxicants, including bath salts, synthetic cannabinoids or other designer stimulants, and shall not frequent places that sell or distribute synthetic cannabinoids or designer stimulants.
- DNL (X) (u)** not abuse prescription medication.
- DNL (X) (v)** shall be prohibited from possessing a potentially vicious/dangerous animal or residing with anyone who possesses a potentially vicious animal. The Probation Officer has sole authority to determine what animals are considered to be potentially vicious/dangerous.
- DNL (X) (w)** participate in a program of mental health counseling if directed by the pretrial services office or supervising officer.
- DNL (X) (x)** shall have all firearms, destructive devices, and other weapons removed from any property owned, accessed, or inhabited by the defendant. Removal must be conducted by someone other than the defendant, and shall be completed prior to the defendant's return to the property.
- DNL (X) (y)** shall follow all instructions of the pretrial services office or supervising officer.

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

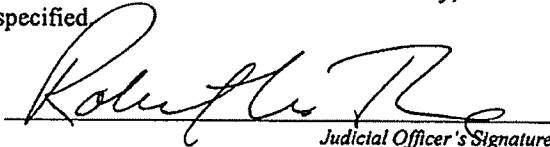
  
 Defendant's Signature

\_\_\_\_\_  
 City and State

**Directions to the United States Marshal**

- ( ☒ ) The defendant is ORDERED released after processing.  
 ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: September 21, 2022

  
 Judicial Officer's Signature

Robert W. Trumble, United States Magistrate Judge

\_\_\_\_\_  
 Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

TIME RECEIVED  
October 27, 2022 at 11:05:50 AM EDTREMOTE CSID  
3042847427DURATION  
70PAGES  
1STATUS  
Received

Oct. 27. 2022 11:01AM

State of West Virginia Uniform Citation NO: 477332P. 1:435  
The undersigned, being duly sworn, upon his oath deposes and says:

On Fri The 21 Day Of Oct 2022 at 1336 Hours  
Weekday Date Month Year Time

Name: Ludwig Danielle Nicole  
Last First Middle

Address: 326 Broadway Ave

City: Morgantown State: WV Zip Code: 26501

Driver License Type: ☒ Driving License ☐ GDL Level 1 ☐ GDL Level 3 ☐ CDL Instruction Permit ☐ Motorcycle Instr Permit  
☐ Instruction Permit ☐ GDL Level 2 ☐ CDL ☐ Motorcycle Only ☐ Other: \_\_\_\_\_

F469865 WV 01/06/1989  
Driver License Number State Social Security Number Date of Birth

Gender: ☒ M ☐ F Weight 170 5 Ft. 7 In. BN  
Eye Color Class Restrictions Endorsements

19AUMC WV JTEEU5JRINS25415  
License Plate Number State Plate Class Vehicle Identification Number (VIN)

Toyota 2022 SUV 4 Runner BLK  
Make Year Body Style Model Color

Owner / Lessee Name: ☐ Same as Violator Hertz Corp  
Address: Po Box 24130  
City: Oklahoma city State: OK Zip Code: 73133

☒ Fatality ☐ Complete Only for Commercial Motor Vehicles  
CMV Type (Check 1): ☐ Veh Designed to Carry 16+ Passengers ☐ Haz Mat ☐ Other CMV

DOT / Carrier # \_\_\_\_\_ Bill of Lading \_\_\_\_\_ Shipper ID # \_\_\_\_\_ Permit # \_\_\_\_\_

In or Near: Morgantown Morgantown  
County Municipality

Highway Type: ☐ Interstate ☐ County ☐ US ☐ City Street ☐ WV ☐ Other  
Route Number: \_\_\_\_\_ Milepost: \_\_\_\_\_ Direction of Travel: S  
GPS Coordinate: \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_  
Street Name: High St @ Pleasant St

Specific Reference / Landmark: Report # M2022-004435  
In the Above Listed County or City of West Virginia, Did Unlawfully Then and There Commit the Following Offense(s):

Charge #1: (Select Only 1 Violation per Charge)  
☐ Speeding \_\_\_\_\_ MPH in a \_\_\_\_\_ MPH Zone  
☒ Other: Failure to yield for pedestrian in crosswalk  
In Violation of ☐ WV State Code ☒ Municipal Ordinance  
371.02 MPD  
Code or Ordinance Ref

Charge #2: (Select Only 1 Violation per Charge)  
☐ Speeding \_\_\_\_\_ MPH in a \_\_\_\_\_ MPH Zone  
☐ Other: \_\_\_\_\_  
In Violation of ☐ WV State Code ☐ Municipal Ordinance  
WV0310100 2273  
ORI # Badge or ID #

Agency, Detachment, or Unit Name: C. J. Behan Officer's Name (Please Print)  
Officer's Signature: C. J. Behan

**VIOLATOR RESPONSIBILITY**  
I Understand that I Have to Appear, On or Before, 304-284-7497 (Date)  
300 Spruce St Call within 10 days  
Court Name and Address Court Phone

I Promise to Contact the Above Listed Court within the Time Specified. Failure to Appear Will Result in the Suspension of Driver's License.  
Violator Signature - Not an Admission of Guilt: Danielle Ludwig

**FOR COURT USE ONLY**

Reduced Charge #1	Code	Reduced Charge #2	Code
Charge 1 Disposition:	Case #:	Charge 2 Disposition:	Case #:
<input checked="" type="checkbox"/> 01 Not Guilty	<input type="checkbox"/> 06 Nolo Contendere	<input checked="" type="checkbox"/> 01 Not Guilty	<input type="checkbox"/> 06 Nolo Contendere
<input type="checkbox"/> 02 Forfeited Bail	<input type="checkbox"/> 07 Guilty	<input type="checkbox"/> 02 Forfeited Bail	<input type="checkbox"/> 07 Guilty
<input type="checkbox"/> 03 Tried in Absence	<input type="checkbox"/> 08 Prelim. Hearing	<input type="checkbox"/> 03 Tried in Absence	<input type="checkbox"/> 08 Prelim. Hearing
<input type="checkbox"/> 04 Nolle Prosequi	<input type="checkbox"/> 09 Change of Venue	<input type="checkbox"/> 04 Nolle Prosequi	<input type="checkbox"/> 09 Change of Venue
<input type="checkbox"/> 05 Appealed to Higher Court	<input type="checkbox"/> 10 Dismissed	<input type="checkbox"/> 05 Appealed to Higher Court	<input type="checkbox"/> 10 Dismissed

This Abstract is Certified Correct: \_\_\_\_\_ Signature / Title / Date

**FOR DMV USE ONLY** Court Code: \_\_\_\_\_ Conviction Code 1: \_\_\_\_\_ Conviction Code 2: \_\_\_\_\_

COMPLAINT - AFFIDAVIT